

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DONALD J. MONTGOMERY,

Plaintiff, : Case No. 3:11-cv-256

- vs - : District Judge Walter Herbert Rice  
Commissioner of Social : Magistrate Judge Michael R. Merz  
Security, :  
: Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #16), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Plaintiff be awarded Attorney Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$2,093.75.

June 26, 2012.



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Walter Herbert Rice  
United States District Judge